

## REMARKS

Claims 21-26, 29, 36-38, 43, and 46-51 are pending in the application. Claims 21-26, 29, 36-38, 43, and 46-51 are subject to a restriction requirement. Applicant notes that the examiner appears to have overlooked claim 43 among the pending claims.

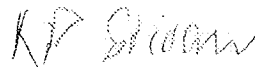
In the restriction requirement, election was required between the following two groups of claims:

- I. Claims 21-26, 29, 36-38, and 50, drawn to a method and apparatus of determining a parameter of interest using a switchable aperture; and
- II. Claims 46-49 and 51, drawn to a method and apparatus of determining a parameter of interest using a magnetic lens.

In response to the restriction requirement, applicant alleged to pursue claims in group I. Claim 43 is being included in the claims selected for prosecution.

The Commissioner is hereby authorized to charge any fee and credit any overpayment associated with this response to Deposit Account No. 02-0429(414-15493-USD1)

Respectfully submitted,



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